

The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

NO. 40] NEW DELHI, MONDAY, AUGUST 24, 1959/BHADRA 2, 1881

LOK SABHA

The following Bill was introduced in Lok Sabha on the 24th August, 1959:—

BILL NO. 59 OF 1959

A Bill to provide for the further extension of the term of office of the Mayor and other councillors and chairmen of standing committees of the Corporation of Trivandrum, and of the councillors of municipalities; and to provide for the recovery in certain cases of arrears of cesses, rates, taxes, fees or other sums due to Panchayats.

WHEREAS by virtue of the Proclamation issued by the President under article 356 of the Constitution on the 31st day of July, 1959, the powers of the legislature of the State of Kerala are now exercisable by or under the authority of the Parliament;

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Kerala Local Authorities Laws Short title.
(Amendment) Act, 1959.

5 2. In this Act,— Definitions.

(a) "Kerala municipal laws" means,—

- (i) the Trivandrum City Municipal Act,
- (ii) the Travancore District Municipalities Act, 1116,
- (iii) the Cochin Municipal Act XVIII of 1113,

Trav. Act
4 of 1116.

Trav. Act
23 of 1116.
Cochin
Act XVIII
of 1113.

(iv) the Madras District Municipalities Act, 1920, as in force in Malabar,

Madras Act 5 of 1920.

(v) the Municipal Laws (Amendment) Act, 1958, and

Kerala Act 43 of 1958.

(vi) the Madras District Municipalities (Amendment) Act, 1958;

Kerala Act 44 of 1958.

(b) "Malabar" means the Malabar district referred to in subsection (2) of section 5 of the States Reorganisation Act, 1956.

37 of 1956.

3. Notwithstanding anything in any of the Kerala Municipal laws, the Government may, by notification in the Gazette, extend the term of office of—

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(i) the Mayor and other councillors and the chairmen of standing committees of the Corporation of Trivandrum constituted under the Trivandrum City Municipal Act; and

Trav. Act 4 of 1116.

(ii) the councillors of any municipality constituted under the Madras District Municipalities Act, 1920, as in force in Malabar, or the Travancore District Municipalities Act, 1116, or the Cochin Municipal Act XVIII of 1113;

Madras Act 5 of 1920.
Trav. Act 23 of 1116.
Cochin Act XVIII of 1113.

which expires at noon on the 1st day of September, 1959, up to such date not later than the 1st day of September, 1960, as may be specified in the notification.

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4. When the term of office of the Mayor or of any chairman or councillor has been extended under section 3, the provisions of the Kerala municipal laws shall have effect in relation thereto, subject to the following modifications, namely:—

(a) the Government shall cause elections—

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(i) to be so held, and appointments to be so made, of councillors to the Corporation of Trivandrum that the newly elected and appointed councillors enter upon office on the date specified in the notification under section 3;

(ii) to every municipality concerned to be so held that the newly elected councillors enter upon office on the date specified as aforesaid;

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(b) the term of office of the newly elected or appointed councillors shall expire on the day immediately succeeding the expiry of three years from the date referred to in clause (a);

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(c) the election of the Mayor of the council of the Corporation of Trivandrum shall be held at the first meeting of the council after the date referred to in clause (a) and the election of the chairman of each standing committee of the council shall be held at the first meeting of such committee.

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Extension of term of office of certain municipal functionaries.

Election and term of office of new councillors in cases falling under section 3.

5. If any difficulty arises in giving effect to the provisions of this Act, or of any of the Kerala municipal laws as modified by section 4, the Government may, as occasion may arise, by order, do anything which appears to them necessary for the purpose of removing the
5 difficulty.

Removal of difficulties.

Trav.-Co-
chin Act 2
of 1950.

6. In the Travancore-Cochin Panchayats Act, 1950, after section 57, the following section shall be inserted, namely:—

Amendment
of Travancore-Cochin Panchayats Act.

10 “57A. Where a Panchayat ceases to exist, or ceases to exercise jurisdiction over any local area, by reason of any notification issued under section 3, any cess, rate, tax, fee or other sum which accrued due to such Panchayat before the date it ceased to so exist or to exercise jurisdiction, shall be payable to such authority as the Government may, by general or special order, specify, and may be recovered as an arrear of land revenue under the Revenue
15 Recovery Act for the time being in force.”

Recovery of arrears of cess, etc., where Panchayats cease to exist or to exercise jurisdiction.

7. The Municipal Laws (Amendment) Act, 1958, and the Madras District Municipalities (Amendment) Act, 1958, shall stand repealed on the 1st day of September, 1959.

Repeal of Kerala Acts 43 and 44 of 1958.

STATEMENT OF OBJECTS AND REASONS

According to the Municipal Laws (Amendment) Act, 1958 (Kerala Act 43 of 1958), and the Madras District Municipalities (Amendment) Act, 1958 (Kerala Act 44 of 1958), the term of office of the councillors of the Corporation of the City of Trivandrum and the Municipalities in the State will expire on 1-9-1959, and the newly elected councillors have to come into office on the same date. Steps were taken accordingly to conduct the elections to the councils of the Corporation and the Municipalities in July-August, 1959, but owing to the abnormal conditions created by the political unrest in the State and in deference to the recommendations of the local Chamber of Municipal Chairmen, the elections had to be postponed. The present enactment is intended to extend the term of the councils to a date not later than 1-9-1960, within which it would be possible to conduct the elections under normal conditions, and it is on the lines that had been approved by the late Ministry in Kerala.

2. There is no provision in the Travancore-Cochin Panchayats Act, 1950, for the collection of arrears of tax, fee, etc., due to a Panchayat after it ceases to exist. Recently, where a panchayat area in the State was constituted into a Municipality, difficulties have arisen for the collection of arrears of tax, fee, etc., which accrued to the Panchayat before its abolition. Hence, it is considered necessary to make a provision for the realisation of such arrears. Clause 6 of the Bill is intended for this purpose.

3. Under the Proclamation issued by the President under article 356 of the Constitution on July 31, 1959, the powers of the Legislature of the State of Kerala are now exercisable by or under the authority of Parliament. This Bill has accordingly been prepared for enactment by Parliament.

NEW DELHI;
The 22nd August, 1959.

G. B. PANT.

M. N. KAUL,
Secretary.